IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 32102 of 1997

Between:

Shaik Subhani, S/o. Hameed, Muslim,
R/o. Nakarikallu, Guntur District. ..... PETITIONER

AND

1 The Regional Transport Authority,
Narasaraopet, Guntur District.
2 The Motor Vehicle Inspector,
Narasaraopet, Guntur District. .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not permitting the petitioner to alter the seating capacity of the vehicle of the petitioner bearing Chasis No. 385003 GSQ 9,33073, Engine No. 483 DL 41 GSQ 7 87730 to operate the same as a motor car as illegal, arbitrary, contrary to law and discriminatory and further direct the1st Respondents to permit the petitioner to operate the said vehicle as a Motor Car by assigning Registration Mark, while directing the 1st Respondent herein to issue all India Tourist permit/All Andhra Permit or any other permit to the said vehicle.

Counsel for the Petitioner : Mr.K.VENKATESWARLU

Counsel for the Respondents : G.P. FOR TRANSPORT

The Court made the following :

ORDER:

By this writ petition, the petitioner seeks to declare the action of the respondents in not permitting the petitioner to alter the seating capacity of the vehicle of the petitioner bearing Chasis No. 385003 GSQ 9,33073, Engine No. 483 DL 41 GSQ 7 87730 to operate the same as a motor car as illegal, arbitrary, contrary to law and discriminatory and further direct the Respondents to issue all India Tourist permit/All Andhra Permit or any other permit to the said vehicle.

It is submitted by the learned Government Pleader for Transport and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by a Division Bench judgment of this Court in **O.Gangadhar v. Transport Commissioner, A.P.**, wherein it was held as follows:

> "……As could be seen from the scheme of the Act and the Rules made thereunder in a given case, the Transport Authorities while granting stage carriage or contract carriage permits, keeping in view the route journey viz., hill stations, fair weather routes etc., a condition may be imposed in the permit to carry certain maximum number of passengers. Merely because the form of permit is provided with a column of 'number of passengers seats', it cannot be said that the owners of the vehicles have a right to get the alteration of seating capacity by removing some seats…"

Following the above judgment, this writ petition is also dismissed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 5.4.2005

DA/SVV

To

1 The Regional Transport Authority,
Narasaraopet, Guntur District.
2 The Motor Vehicle Inspector,

Narasaraopet, Guntur District.

3 Two CCs to the G.P. for Transport, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.